



**LINCOLN COLLEGE**

**STUDENT DISCIPLINARY PROCEDURE**

**POLICY CQ/PR/17**

**SPONSOR**

Head of Quality Improvement

## **EQUALITY AND DIVERSITY STATEMENT**

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

# STUDENT DISCIPLINARY PROCEDURE

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# LINCOLN COLLEGE

## STUDENT DISCIPLINARY PROCEDURE

The Student Union and members of staff in Student Services can help students in interpreting the following procedure.

### 1 PURPOSE

- 1.1 The purpose of the procedure is to promote and maintain high standards of personal conduct amongst students and to ensure fair treatment for all students in relation to disciplinary action.

### 2 AIMS

- 2.1 The procedure aims to give a clear structure that supports staff and students in upholding high standards of student conduct.
- 2.2 The procedure applies to all students of Lincoln College.

### 3 GENERAL PRINCIPLES

- 3.1 The procedure has been approved by the Quality Standards Committee.
- 3.2 The need to implement the disciplinary procedure should be a rare occurrence in the college and the formal procedure should not be used in circumstances where relatively minor problems can be resolved by a private word with the individual(s) concerned.
- 3.3 There should be a clear distinction between the implementing of the formal procedure and routine intervention by a Director (or his/her nominee), following reports of student indiscipline. It is acceptable for a Director (or his/her nominee) to remove a student from the learning environment for reasons of safety (of that individual or others) or to allow for a 'cooling off' period. In both cases, the removal is temporary and the student will be instructed to return to college on the next working day unless the Serious Misconduct procedure is invoked. Employers and / or training providers should be notified accordingly. Such removal will not necessarily constitute a suspension and the student concerned will not automatically become subject to the formal procedure although this option must be considered in these circumstances.
- 3.4 The disciplinary procedure relates to any behaviour that is contrary to the maintenance of good order, discipline or safety within any areas of the college's business. It also relates to standards of work and absence.
- 3.5 Any allegation of a disciplinary offence is to be dealt with as a matter of urgency and no disciplinary action taken until the case has been fully investigated.
- 3.6 Written records are to be maintained at each stage of the proceedings.

- 3.7 Where a student is under the age of eighteen years copies of all correspondence, originating from the college will be sent to the parents or guardians.
- 3.8 Where a student is studying at the college via a training provider, or employer, then all copies of correspondence, originating from the college will be sent to the training provider or employer.

## 4 DEFINITIONS

4.1 Throughout this procedure the following terms are defined as:

### 4.1.1 Disciplinary Sanction:

A Disciplinary Sanction will be one of the following:

- Stage 1 - Oral Warning
- Stage 2 - Written Warning
- Stage 3 - Final Written Warning
- Stage 4 - Exclusion.

### 4.1.2 Disciplinary Meeting:

A Disciplinary Meeting will consider issues of standard of work, conduct and repeated unauthorised absence. A Final Written Warning is the **maximum sanction** which can result from a Disciplinary Meeting.

### 4.1.3 Disciplinary Hearing:

A Disciplinary Hearing will consider issues of serious misconduct. It will also consider issues of standard of work, conduct and repeated unauthorised absence **where the anticipated sanction is exclusion.**

### 4.1.4 Disciplinary Appeal Hearing:

A Disciplinary Appeal Hearing will consider the outcomes of either Disciplinary Meetings or Hearings.

## 5 FORMAL PROCEDURE FOR UNSATISFACTORY STANDARD OF WORK, CONDUCT AND UNAUTHORISED ABSENCE

5.1 A disciplinary meeting will be held with the student to discuss the cause for concern. The student will be advised in writing of the nature of the complaint against him or her at least 3 working days before the meeting. In the event that the student concerned is under the age of 18 years, the parent/guardian will be informed of the disciplinary meeting and the allegation made against the student.

Where performance evidence is discussed within a progress review or individual tutorial and the appropriate outcome is an oral warning, it will not be necessary to hold a further, specific disciplinary meeting.

In all cases, the student will have the right to appeal a decision (see section 7).

- 5.2 At any disciplinary meeting, the student will be given an opportunity to state his or her case and will have the right to be accompanied and represented by a fellow student of Lincoln College or Student Executive official or parent/guardian/next of kin. Failure of the student to attend the meeting will not delay or affect the discussion of the case.

### **Stage 1 – Oral warning**

- 5.3 If the standard of work or conduct does not meet acceptable standards or if short-term absence is of concern, the student will normally be given a formal ORAL WARNING.

The ORAL WARNING will:

- Be given by his or her Personal Tutor or equivalent, copy to the Learning/Training and Skills Lead and Head of Learning/Training and Skills.
- Advise the student in writing of the reason for the warning, the improvement required and the time limit within which such improvement must be achieved, that it is the first stage of the formal disciplinary procedure and that he or she has a right to appeal.
- Be placed on the student's file.
- Be removed from the student's personal file after 6 months, subject to the student's standard of work, conduct and attendance having been satisfactory throughout that period.

### **Stage 2 - Written Warning**

- 5.4 If, despite having been given a formal oral warning the student commits a further offence of misconduct or his or her work performance remains unsatisfactory, or he or she continues to have a poor attendance record, the student will be given A WRITTEN WARNING.

The WRITTEN WARNING will:

- Be given by his or her Learning/Training and Skills Lead (or a member of staff nominated by the Director or Head where appropriate), copy to the Head of Quality Improvement, the Director and Head.
- Give details of the complaint against the student, the improvement required and the time limit within which such improvement must be achieved.
- Advise the student of the right to appeal.
- Be placed on the student's personal file.
- Be removed from the student's personal file after 12 months, subject to the student's standard of work, conduct and attendance levels having being satisfactory throughout that period.

Note: If a student's unsatisfactory work standard, conduct or attendance is considered sufficiently serious, a student can be issued with a written warning ***without previously having been given an oral warning.***

### **Stage 3 - Final Written Warning**

5.5 If, despite having been given a written warning the student commits a further offence of misconduct or his or her work performance remains unsatisfactory, or he or she continues to have a poor attendance record, the student will be given A FINAL WRITTEN WARNING.

The FINAL WRITTEN WARNING will:

- Be given to the student by his or her Head of Learning/Training and Skills or equivalent, copy to the Head of Quality Improvement.
- Give details of the complaint against the student, the improvement required and the time limit within which such improvement must be achieved.
- Advise the student of the right to appeal.
- Be placed on the student's personal file.
- Be removed from the student's personal file, after 18 months, subject to the student's standard of work, conduct and attendance having been satisfactory throughout that period.

Note: If a student's unsatisfactory work standard, conduct or attendance, is considered sufficiently serious, a student can be issued with a final written warning ***without previously having been given a written warning or an oral warning.***

### **Stage 4 – Exclusion**

5.6 If, despite having been given a final written warning the student commits a further offence of misconduct or his or her work performance remains unsatisfactory, or he or she continues to have a poor attendance record, the student will be given A NOTICE OF PROPOSED EXCLUSION.

The NOTICE OF PROPOSED EXCLUSION will:

- Be given to the student by his or her Director or equivalent, copy to the Head of Quality Improvement.
- Be in writing, will specify the reasons for the proposed exclusion and the date until which the proposed exclusion will be effective.

Upon being given notice of proposed exclusion, the student shall have the right to make representations at a disciplinary hearing (including oral representation, in mitigation, for which purpose he or she may be accompanied and represented by a fellow student of Lincoln College or Student Executive or parent/guardian/next of kin) to the Head of Quality Improvement (or his/her nominee) who will then make recommendations to the Director whether or not to continue with the exclusion. The Director may suspend the student for the period

between the notice of proposed exclusion and the hearing. If the student wishes to exercise the right to a disciplinary hearing he or she will have 5 working days from the date of the notice of proposed exclusion to inform the Head of Quality Improvement.

If the student does not make contact within the 5 working days, the exclusion will be confirmed in writing by the Director.

The student will be given 3 working days notice of the hearing. The exclusion shall not take effect until the hearing has been concluded, although he or she may be suspended during the interim period. At the end of the hearing the student will be advised of the outcome, his or her right to appeal, and will be sent written confirmation of the decision within 7 working days of the hearing.

- 5.7 A flow chart of the Unsatisfactory Standard of Work, Conduct and Unauthorised Absence procedure is provided as Appendix 1.
- 5.8 Where a member of staff submits a request for a disciplinary sanction to be issued, and the Personal Tutor / Head of Learning/Training & Skills / Learning/Training & Skills Lead or Director considers it inappropriate, the reason for not issuing the sanction will be communicated to the member of staff within 5 working days of the request.

## **6 FORMAL PROCEDURE FOR SERIOUS MISCONDUCT**

- 6.1 Any allegation of serious misconduct is to be immediately reported to the Head of Quality Improvement who will appoint an Investigating Officer to enquire into the facts of the case as soon as is reasonably practicable. The Investigating Officer will not subsequently be either wholly or partly responsible for determining the disciplinary sanction.
- 6.2 If the allegation involves a criminal offence (eg. theft; assault; harassment, including racist or homophobic abuse; sexual assault) the Head of Quality Improvement will instruct the member of staff reporting the incident to advise the complainant of his or her right to contact the police.
- 6.3 The Investigating Officer may decide there is no need to resort to a formal procedure and that it is sufficient to talk the matter over with the student or simply issue a reprimand. The Investigating Officer will determine whether the allegations potentially constitute serious misconduct. In such cases the hearing will be chaired by the Head of Quality Improvement or his/her nominee.
- 6.4 If the Investigating Officer decides that the formal procedure is required a disciplinary hearing will be established.
- 6.5 In cases of serious misconduct the Investigating Officer may, on behalf of the Head of Quality Improvement, suspend a student pending a disciplinary hearing. Any such suspension will be reported to the Director of Performance and Planning. In such cases suspension will not, in itself be regarded as a disciplinary sanction.

- 6.6 The disciplinary hearing will normally be arranged within 14 working days of suspension and the student will be given at least 3 working days notice of the hearing. He or she will have the right to attend, be heard and to be accompanied or represented by a fellow student of Lincoln College or Student Executive or parent/guardian/next of kin. Failure of the student to attend the hearing will not delay or affect the hearing of the case.
- 6.7 The Head of Quality Improvement or his/her nominee will have the right to impose a period of suspension, issue a disciplinary sanction or exclude the student from the College. The decision of the Head of Quality Improvement or his/her nominee will be made in writing to the student within seven working days of the hearing.
- 6.8 The student will have the right to appeal (section 7).
- 6.9 The following offences are examples which are normally regarded as grounds for exclusion:
- Assault on a student or member of staff
  - Bringing illegal substances onto the premises
  - Abusive behaviour
  - Vandalism
  - Theft of college or personal property
  - Behaviour which infringes the college Equality and Diversity Policy
  - Behaviour that contravenes fundamental British values
  - Acts of terrorism, extremism or attempts to radicalise
  - Bringing an offensive weapon onto campus, which is not for a course related purpose (eg knives, scissors)
  - Refusal to carry out reasonable instructions or to comply with college rules
  - Behaviour considered to be damaging to the College's reputation, occurring either on or off college premises
- 6.10 The examples above are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.
- 6.11 A flow chart of the serious misconduct procedure is provided as Appendix 2.
- 6.12 The procedure for disciplinary hearings considering cases of serious misconduct is provided as Appendix 3.

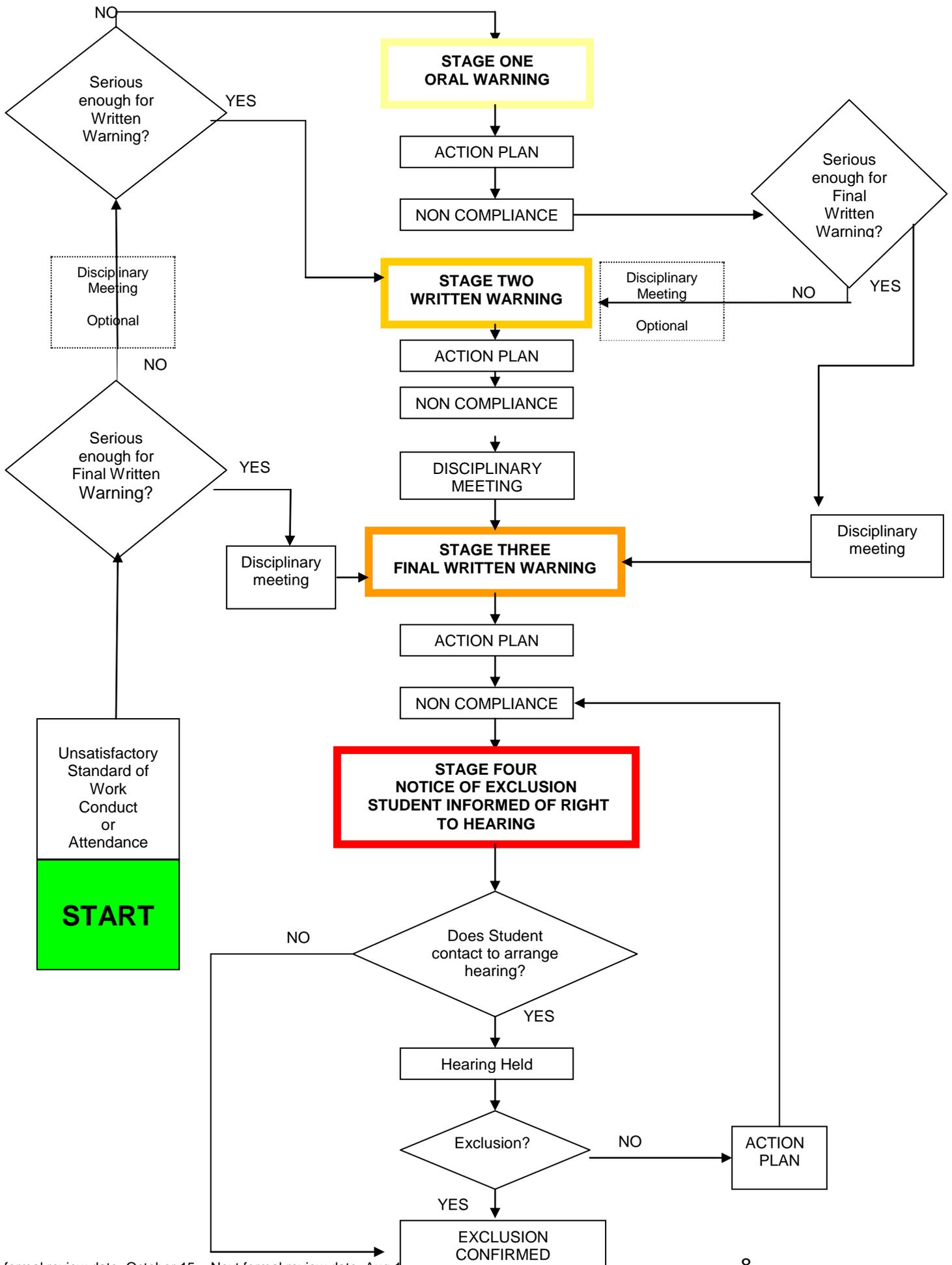
## **7 RIGHT TO APPEAL**

- 7.1 The student will have the right to appeal at each stage of the formal procedure. Appeals against stages 1 – 3 must be made to the Head of Quality Improvement, must be in writing stating the grounds for the appeal and received within 5 working days of the formal warning. Appeals against exclusion (stage 4) must be made to the Director of

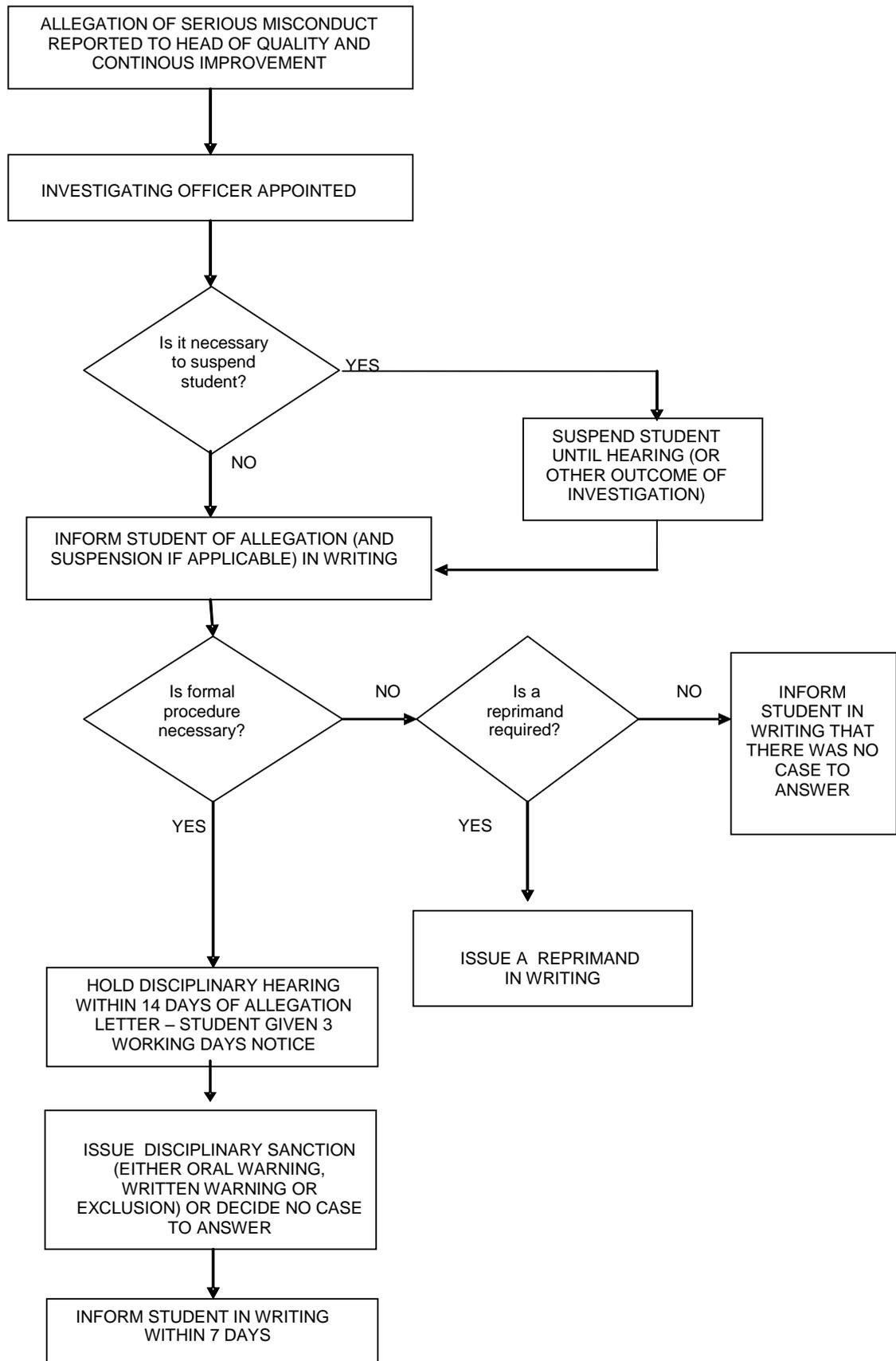
Performance and Planning, must be in writing stating the grounds for the appeal and received within 5 working days of the date of exclusion.

- 7.2 The disciplinary appeal hearing will be arranged within 14 working days of the receipt of the appeal and the student will be given at least 3 working days notice. The student will have the right to attend and be heard and to be accompanied or represented by a fellow student of Lincoln College or Student Executive or parent/guardian/next of kin.
- 7.3 At appeal, the decision of the Head of Quality Improvement / Director of Performance and Planning will be final.
- 7.4 The procedure for appeal hearings is provided as Appendix 4.

STANDARD OF WORK, CONDUCT OR ATTENDANCE – FLOWCHART  
(STUDENTS HAVE A RIGHT TO APPEAL AT EACH STAGE IN ACCORDANCE WITH SECTION 6)



**SERIOUS MISCONDUCT – FLOWCHART**  
**(Students have a right to appeal in accordance with section 6)**



## **PROCEDURE FOR DISCIPLINARY HEARINGS CONSIDERING CASES OF SERIOUS MISCONDUCT**

During the hearing, adjournments may be requested by either party or by the Chairperson (either Head of Quality Improvement or his/her nominee) conducting the Hearing and will not be refused unreasonably. Where such a request is denied, an explanation will be given. Please note that in cases of serious misconduct the Head of Quality Improvement will normally act as the Chairperson.

The Chairperson conducting the hearing will ask whether any new evidence has been made available that could not be circulated prior to the hearing and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence.

The Chairperson will introduce all those present.

### **ORDER OF HEARING**

- 1 The Investigating Officer (IO) will present the details of the allegation and a report on the investigation undertaken.
- 2 The student and his/her representative may question the IO.
- 3 The Chairperson may question the IO.
- 4 The IO may call witnesses and ask questions of them.
- 5 The student or representative may question the witness.
- 6 The Chairperson may question the witness.
- 7 The student and/or representative will present the case against the allegations and explain any special circumstances that may exist.
- 8 The IO may question the student.
- 9 The Chairperson may question the student.
- 10 The student and/or representative may call witnesses and ask questions of them.
- 11 The IO may question the witnesses.
- 12 The Chairperson may question the witnesses.
- 13 Should the Chairperson wish to clarify any issue with the student, IO or the witnesses, they will do at this point.
- 14 The IO will summarise the case against the student without introducing any new factors.

- 15 The student and/or representative will summarise the case against the allegation.
- 16 The student and their representative, IO and any other management representative will withdraw and the Chairperson will decide whether or not an offence has been committed.
- 17 If, in the opinion of the Chairperson an offence has been committed, they will take into account the following before deciding upon an appropriate disciplinary sanction:
  - any mitigating factors, e.g. health, domestic, bereavement;
  - current warnings of the student;
  - time at the college;
  - nature of the offence;
  - evidence produced by either party at the hearing;
  - statements and answers provided by witnesses;
- 18 Once that decision is made, the two parties will be recalled and advised of the decision.
- 19 The student will be advised of their right to appeal against the decision and informed who the appeal should be lodged with and in what timescale.
- 20 Written confirmation of the decision will be sent to both parties within 7 working days of the hearing.

## PROCEDURE FOR DISCIPLINARY APPEAL HEARINGS

Appeals will be heard by the Director of Performance and Planning / Head of Quality Improvement (if she/he has not been involved in the Disciplinary Hearing).

It should be noted that the Head of Quality Improvement will only present the case against the student when the Director of Performance and Planning chairs the Appeal Hearing.

### ORDER OF HEARING

1. Director of Performance and Planning / Head of Quality Improvement to clarify if notes will be taken at the meeting and to whom they shall be made available. It is standard practice for both sides to take their own notes.
2. The Head of Learning/Training and Skills / Director/ Head of Quality Improvement to give a short résumé of the student.
3. The appellant/representative to state their case and explain any special circumstances that may exist and the precise nature of the remedy sought.
4. The appellant/representative to introduce any witnesses.
5. The Head of Learning/Training and Skills / Director / Head of Quality Improvement to ask questions of the witnesses and Appellant as appropriate.
6. Director of Performance and Planning / Head of Quality Improvement to question the witnesses.
7. Appellant's witnesses to withdraw.
8. The Head of Learning and Skills / Director / Head of Quality Improvement to state the management case with the assistance of relevant members of management.
9. The Head of Learning/Training and Skills / Director / Head of Quality Improvement to introduce any witnesses to give evidence.
10. The appellant/representative to ask questions of the witnesses and management representative as appropriate.
11. Director of Performance and Planning / Head of Quality Improvement to question the witnesses.
12. The Head of Learning and Skills / Director/ Head of Quality Improvement's witnesses to withdraw.
13. The Head of Learning/Training and Skills / Director/ Head of Quality Improvement to summarise the College's case; no new factors to be introduced.

14. The appellant/representative to summarise the appeal; no new factors to be introduced.
15. Director of Performance and Planning / Head of Quality Improvement to review case and make decision.
16. The Head of Learning/Training and Skills / Director / Head of Quality Improvement Appellant and advisers to be recalled and informed of the decision by the Director of Performance and Planning / Head of Quality Improvement.